

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BMW OF NORTH AMERICA, LLC, et)	Case No. 08cv171 JM (WMC)
al.,)	
)	ORDER CONTINUING EARLY NEUTRAL
Plaintiff,)	EVALUATION CONFERENCE
)	
v.)	
)	
EUROTECH WHEELS, LLC et al.,)	
)	
Defendants.)	

The Court has received the request for a continuance from Defendant Ryan Moalemi. Due to the extraordinary circumstance of the foreign hospitalization of Defendant Joshua Russ Moalemi, the Court **GRANTS** Defendants' request and CONTINUES the Early Neutral Evaluation to June 10, 2008 at 2:00 p.m. in the chambers of the Honorable William McCurine, Jr., United States Magistrate Judge, 940 Front Street, Courtroom C, San Diego, California, 92101. **NO FURTHER CONTINUANCES WILL BE CONSIDERED.**

Pursuant to Local Rule 16.1(c) of the Local Rules of the United States District Court for the Southern District of California, **all named parties, all counsel, and any other person(s)**

1 whose authority is required to negotiate and enter into settlement
2 shall appear in person at the conference, shall be prepared to
3 discuss the claims and defenses, and shall be legally and factually
4 prepared to discuss and resolve the case at the Early Neutral
5 Evaluation conference. Full authority to settle means that the
6 individual present at the settlement conference has the unfettered
7 discretion and authority to: 1) fully explore settlement options
8 and to agree at that time to any settlement options; 2) agree at
9 that time to any settlement terms acceptable to the parties; 3)
10 change the settlement position of a party; and 4) negotiate
11 monetary awards without being restricted to a specific sum certain.

12 Failure of required counsel and parties to appear in person
13 will be cause for the imposition of sanctions. Sanctions will
14 include, but are not limited to, the attorney's fees and travel
15 costs of the other parties in the case. In addition, the
16 conference will not proceed and will be reset to another date. All
17 conference discussions will be informal, off the record,
18 privileged, and confidential.

19 Counsel for any non-English speaking parties is responsible
20 for arranging for the appearance of an interpreter at the
21 conference.

22 The parties are required to submit a short Early Neutral
23 Evaluation Conference Statement about the case on a confidential
24 basis no later than June 6, 2008.

25 Rule 26 of the Federal Rules of Civil Procedure shall apply to
26 this case. All discovery shall be stayed until after the Rule
27 26(f) conference, unless otherwise permitted by Rule 26(f) or court
28 order.

1 In the event the case does not settle at the Early Neutral
2 Evaluation Conference, the parties shall also be prepared to
3 discuss the following matters at the conclusion of the conference:

4 1. Any anticipated objections under Federal Rule of Civil
5 Procedure 26(a)(1)(E) to the initial disclosure provisions of
6 Federal Rule of Civil Procedure 26(a)(1)(A-D);

7 2. The scheduling of the Federal Rule of Civil Procedure
8 26(f) conference;

9 3. The date of initial disclosure and the date for lodging
10 the discovery plan following the Rule 26(f) conference; and

11 4. The scheduling of a Case Management Conference pursuant
12 to Federal Rule of Civil Procedure 16(b).

13 Plaintiff's counsel shall give written notice of the Early
14 Neutral Evaluation Conference's continuation to parties responding
15 to the complaint after April 29, 2008.

16 Questions regarding this case may be directed to the
17 Magistrate Judge's law clerk at (619) 557-6624.

18 **IT IS SO ORDERED:**

19 DATED: April 29, 2008

20 

21 Hon. William McCurine, Jr.
22 U.S. Magistrate Judge
United States District Court

23 COPY TO:

24 HONORABLE JEFFREY T. MILLER, U.S. DISTRICT JUDGE

25 ALL PARTIES AND COUNSEL OF RECORD
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